

Leonard R. Berman  
9220 SW Barbur Bad., Suite 119 Box 180  
Portland, OR 97219  
(503) 516-3715  
OSB # 96040  
Easyrabbi@yahoo.com

ATTORNEY FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

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TYLER BURNARD,  
MICHAEL BRITZIUS,  
DOUGLAS STYLES,

Plaintiffs,

v.

DELORES MATTEUCCI, Personally,  
OREGON STATE HOSPITAL,  
ADAM GIBLIN, Personally,  
Defendants.

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Case No.: 6:22-cv-1982MC

PLAINTIFFS' REPLY TO MOTION  
FOR LEAVE TO AMEND

Plaintiffs hereby file this Reply to Motion for Leave to Amend.

**1. Plaintiffs did not mean to Ignore the Court's ruling on claims of Intentional Interference with Economic Relations.**

Plaintiffs did not mean to ignore the Court's Order on IIER. They were was discussion about revisiting the claims after further discovery. In the interim, Plaintiffs do not object to striking the IIER Claim by Interlineation, for now.

**2. Plaintiffs contend that claims for bans on mail package shipping and delivery and bans on email sending and receiving are analogous and properly litigated together**

Plaintiffs are planning an imminent Motion for a Preliminary Injunction of the package policy. In the interest of Judicial Efficiency. it is most timely to address both policies simultaneously. If the Court will approve a separate Motion for TRO or injunction as to both package and email policies as to plaintiffs and

Tyler Burnard (Burnard alone) then plaintiffs are happy to so file twice without amending the complaint. Further, plaintiffs hope to strike the Burnard email claim pending timely positive resolution. The Burnard - only email claim would destroy commonality for the pending class action and would not be appropriate for trial adjudication.

As to the lack of relation to the original complaint and claims, plaintiffs contend that both claims are analogous and not “unrelated.” Denial of email access prevents mailing and receiving written and “bound” books, voluminous legal documents, ebooks and audiobooks, in the same way denial of hard-copy mailing and shipment of paper and hard-cover books and/or bound legal materials, or CDs of audio books harm patients under the existing package policy. There is no material reason not to litigate both policies together in the present.

### **3. Conclusion**

For the foregoing reasons, Plaintiffs pray the Court grants their Motion for Leave to Amend.

DATED this 9<sup>th</sup> day of June, 2024.

Respectfully Submitted,

S//S Leonard Berman

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LEONARD R. BERMAN, OSB# 96040  
Attorney for Plaintiff